IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL REVISION APPLICATION NO. 548 OF 2007

Shri Sadashiv Hari Kavathekar
Deceased through his L.Rs.:
(A) Smt. Sushila Sadashiv Kavathekar
& Ors. ...Applicants

Versus

Mr. Chandrakant Dwarkanath Kharadkar ...Respondent

Mr. Avinash Avhad, Advocate, for the applicants.
Mr. P.J.Pawar, Advocate, for the respondent.

CORAM: J.H.BHATIA,J.

DATE: 22nd November,2007.

P.C.

1. Heard learned Counsel for the parties.

2. The Revision Applicants are the legal heirs of the original defendant-tenant. Admittedly, the deceased Sadashiv Kavathekar was inducted in the suit premises as a tenant for residential purpose. The plaintiff-landlord filed the suit for eviction on the ground that the premises were being used for carrying on business of screen printing and thus there was change of user of the premises. The trial Court, after hearing

evidence led by the parties, accepted the contention of the plaintiff and passed a decree of eviction in favour of the plaintiffs. Civil Appeal No.586 of 2004 filed by the present applicants came to be dismissed.

3. From the record, there appears no dispute that suit premises are situated in the building meant exclusively for residential purpose and also there is no dispute that the suit premises were let out to the deceased-defendant only for residential purpose. However, his son had installed screen printing machine in bothroom of the said house. He had also obtained a licence for carrying on business of screen printing under the Shops & Establishment Act from the Municipal Corporation. A Commissioner was appointed by the Court and the photographs taken by the Court Commissioner and the report submitted by him clearly reveal that part of the suit premises were being used for commercial purpose i.e. business of screen printing. In view of the evidence on record, I find no fault with the concurrent finding of the Courts below that there was change of user.

In the result, the Revision Application stands dismissed.

(J.H.BHATIA,J.)